

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTHONY E. WHITFIELD,

Petitioner,

V.

SCOTT FRAKES,

## Respondent.

No. C09-5361 FDB

**ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
HABEAS PETITION WITH PREJUDICE**

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that Petitioner's request for habeas corpus relief be denied and the petition be dismissed with prejudice. The Report and Recommendation finds that the six grounds for relief raised by Petitioner are without merit. The Petitioner has filed objections to the Report and Recommendation.

The Court, having reviewed the petition for writ of habeas corpus, the response, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

(2) Petitioner's Writ of Habeas Corpus [Dkt. 5] is **DENIED** and this action is

- (3) Petitioner is not entitled to a Certificate of Appealability; and
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent and to the Hon. Karen L. Strombom.

DATED this 8<sup>th</sup> day of March, 2010.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE